

立法會
Legislative Council

LC Paper No. CB(2)511/08-09
(These minutes have been seen
by the Administration)

Ref : CB2/SS/2/08

**Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008**

**Minutes of meeting
held on Tuesday, 11 November 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Members present : Hon Mrs Regina IP LAU Suk-ye, GBS, JP (Chairman)
Hon LEE Cheuk-yan
Hon Miriam LAU Kin-ye, GBS, JP
Hon Emily LAU Wai-hing, JP
Hon LI Fung-ying, BBS, JP
Hon Audrey EU Yuet-mee, SC, JP
Hon LEE Wing-tat
Hon Andrew LEUNG Kwan-yuen, SBS, JP
Hon Ronny TONG Ka-wah, SC
Hon CHEUNG Kwok-che
Hon WONG Sing-chi
Hon IP Wai-ming, MH
Hon IP Kwok-him, GBS, JP

Members absent : Hon LEUNG Yiu-chung
Hon LEUNG Kwok-hung
Hon WONG Kwok-kin, BBS

Public Officers attending : Mr Matthew CHEUNG Kin-chung, GBS, JP
Secretary for Labour and Welfare

Ms Eliza LEE Man-ching, JP
Deputy Secretary for Labour and Welfare (Welfare) 1

Ms Karyn CHAN Ching-yuen
Principal Assistant Secretary for Labour and Welfare
(Manpower)

Mr FONG Ngai
Assistant Commissioner for Labour (Policy Support and
Strategic Planning)

Dr Helen CHAN Wing-mui, IDSM
Assistant Director of Immigration (Visa and Policies)

Mr SUEN Wai-chung
Senior Assistant Law Draftsman

Ms Rebecca PUN Ting-ting, JP
Executive Director of Employees Retraining Board

Clerk in attendance : Mr Raymond LAM
Chief Council Secretary (2) 1

Staff in attendance : Mr Kelvin LEE
Assistant Legal Adviser 1

Miss Josephine SO
Senior Council Secretary (2) 1

Miss Helen DIN
Legislative Assistant (2) 1

I. Meeting with the Administration

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. Members noted that a report of the Subcommittee would be submitted to the House Committee on 14 November 2008.
3. The meeting ended at 11:45 am.

**Proceedings of meeting of the
Subcommittee on
Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008
on Tuesday, 11 November 2008, at 10:45 am
in Conference Room A of the Legislative Council Building**

Time marker	Speaker	Subject(s)	Action Required
000000 - 000208	Chairman	Opening remarks	
000209 - 000537	Admin Chairman	<p>The Administration informed members that the Chief Executive in Council had made the Employees Retraining Ordinance (Amendment of Schedule 3) (No. 2) Notice 2008 (the No. 2 Amendment Notice) earlier in morning of 11 November 2008</p> <p>Briefing on the Legislative Council Brief (File Ref: LWB(M) CR 2/12/3051/08 Pt. 7) tabled at the meeting</p> <p>Legislative timetable on the No. 2 Amendment Notice</p>	
000538 - 001052	Hon LEE Wing-tat Admin	<p>Members' queries and the Administration's explanation on -</p> <p>(a) the Administration's decision to repeal the Employees Retraining Ordinance (Amendment of Schedule 3) Notice 2008 (the Amendment Notice);</p> <p>(b) the need to increase the annual expenditure of the Employees Retraining Board (ERB) from about \$400 million in the past to about \$900 million from 2008-2009 onwards; and</p> <p>(c) the principles underlying the imposition of the Levy on all employers of foreign domestic helpers (FDHs)</p>	

Time marker	Speaker	Subject(s)	Action Required
001053 - 001554	Hon Audrey EU Admin Chairman ALA1	<p>Rationale for repealing the Amendment Notice and making the No. 2 Amendment Notice which sought to propose a five-year Levy suspension period</p> <p>Whether the Administration would consider making further amendments to the effect that the extension of the Levy suspension would be confined to employers of FDHs only</p> <p>Status of the Subcommittee following the Administration's decision to repeal the Amendment Notice</p>	
001555 - 001728	Hon Ronny TONG Chairman Admin	<p>Expressed reservation about the Administration's decision to extend the Levy suspension period to five years</p> <p>View of the Civic Party that the Levy on employers of FDHs should be suspended indefinitely</p>	
001729 - 002817	Hon Emily LAU Admin Hon LEE Cheuk-yan Chairman	<p>Reiterated that it was the Government's responsibility to provide training and retraining services for the local workforce. The Administration should provide ERB with sufficient funding and regard it as recurrent government expenditure, if the Levy was to be suspended indefinitely</p> <p>Why the Administration had not chosen to propose amendments to the Amendment Notice to extend the Levy suspension period to five years, but repealed the Amendment Notice and made the No. 2 Amendment Notice</p> <p>Whether the Administration would consider increasing the minimum allowable wage</p>	

Time marker	Speaker	Subject(s)	Action Required
		<p>(MAW) for FDHs by \$400 per month upon the Levy suspension</p> <p>Whether there was any relationship between the imposition of the Levy on employers of FDHs in 2003 and the adjustment of MAW for FDHs in the same year. Mechanism for regular review and adjustment of MAW of FDHs</p>	
002818 - 003116	Hon IP Kwok-him Admin	<p>Expressed support for the proposed five-year suspension of the Levy</p> <p>Concern about the significant increase in the overall expenditure of ERB from 2008-2009 onwards. Considered that the Administration should closely monitor ERB's expenditure</p>	
003117 - 003911	Hon WONG Sing-chi Admin	<p>Briefing on the Administration's paper (LC Paper No. CB(2)260/08-09(01)) - ERB's future roles and responsibilities, in particular the services provided to different service targets</p> <p>Expressed concern about the lack of details in the Administration's paper regarding the training and retraining courses offered by ERB. Queried whether the increase in the estimated expenditure of ERB from 2008-2009 onwards to about \$900 million was justified</p>	
003912 - 004159	Hon LI Fung-ying Chairman ALA1	Status of the Subcommittee following the publication of the the No. 2 Amendment Notice in the Gazette	

Time marker	Speaker	Subject(s)	Action Required
004200 - 004804	Hon Miriam LAU Admin Chairman	<p>Stance of the Liberal Party on the imposition of the Levy on all employers of FDHs</p> <p>Suggested that the Administration should conduct a thorough study on this subject through public consultation</p> <p>Principles underlining the imposition of the Levy and background on inclusion of the importation of FDHs as a designated labour importation scheme under the Employees Retraining Ordinance</p> <p>Need to maintain steady and sufficient supply of financial resources to meet the increasing demands for training and retraining services provided by ERB</p>	
004805 - 004931	Hon IP Wai-ming Admin	Stance of the Hong Kong Federation of Trade Unions - objected to abolishing the Levy on employers of FDHs, but did not oppose to the introduction of a temporary measure to provide relief to the middle class	
004932 - 005240	Chairman Admin	<p>Views in the community on the Levy suspension</p> <p>Suggested that the Administration should consider revoking or suspending the Levy on employers of FDHs indefinitely</p> <p>Echoed the views of members that it was the Government's responsibility to provide training and retraining services for the local workforce. The Administration should allocate recurrent funding for this purpose</p>	

Time marker	Speaker	Subject(s)	Action Required
005241 - 010017	Hon Audrey EU Admin Chairman Hon Ronny TONG	Shared the view that the Administration should conduct a thorough study on the subject through public consultation	
010018 - 010109	Chairman	Preparation of a summary of views expressed/suggestions made by deputations on the Amendment Notice	

Council Business Division 2
Legislative Council Secretariat
17 December 2008